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In re Application of
Ryusuke Sasaki
Application No. 10/042,713
Filed: January 26, 2001
For: **METHODS AND APPARATUS FOR
TRANSFORMING THREE-DIMENSIONAL
OBJECTS IN VIDEO GAMES**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition to Withdraw Holding of Abandonment pursuant to 37 CFR §1.181(a), filed February 27, 2004 and resubmitted on May 17, 2004. No fee is required.

The petition is **DENIED**.

This application was held abandoned for failure to timely submit a response to the final Office action mailed July 18, 2003. A Notice of Abandonment was mailed February 24, 2004.

In the petition, the has Petitioner provided a statement that the final Office action was not received by the petitioner and a copy of the docket record where the non-received Office action would have been entered had it been received and docketed.

Pursuant to MPEP § 711.03(c) [*See also Notice entitled Withdrawing the Holding of Abandonment When Office Actions Are Not received, 1156 O.G. 53 (November 16, 1993)*], in absence of any irregularity in the mailing of an Office Action, there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating:

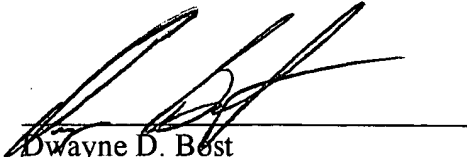
- (a) that the Office communication was not received by the practitioner; and
- (b) personally attesting to a search of the file jacket and docket records indicates that the Office communication was not received;

In addition, the petition must include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner states within the petition filed on February 27, 2004 and again on May 17, 2004 that the final Office action was not received and also references a docket log within their petition. However, the petition does not comply with the requirements of a successful petition to withdraw the holding of abandonment due to the lack of a statement from the Practitioner attesting to a personal search of the file jacket and docket records and indicating that the office communication was not received.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision and include the statement from the Practitioner as outlined above. The file is being forwarded to the file repository.



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